

AO 91 (Rev. 01/09) Criminal Complaint

## UNITED STATES DISTRICT COURT

for the  
District of New MexicoFILED  
U.S. DISTRICT COURT  
DISTRICT OF NEW MEXICO  
2016 FEB 16 AM 11:58  
CLERK LAS CRUCESUnited States of America  
v.

Stephen James DAVIS

Case No:

16MJ 531

Defendant(s)

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief. On or about the date of February 13, 2016 in the county of Dona Ana in the State and District of New Mexico, the defendant violated 18 U.S.C. § 758(High Speed Flight from Immigration Checkpoint), an offense described as follows:

flee or evade a checkpoint operated by a Federal law enforcement agency, in a motor vehicle and fled Federal, State, or local law enforcement agents in excess of the legal speed limit

This criminal complaint is based on these facts:

On February 13, 2016, Border Patrol Agent Jose Martinez, was assigned to the United States Border Patrol Checkpoint located on Interstate 25, mile marker 26, north of Las Cruces, New Mexico. At approximately 3:10 AM, Agent Martinez encountered the defendant driving a Grey in color 2013 Hyundai Elantra hatchback. Agent Martinez identified himself as a United States Border Patrol Agent and questioned the defendant as to his citizenship. The defendant mumbled through a small crack in the lowered window. Agent Martinez asked the defendant to lower the window more since he was unable to hear him. As the defendant tried to open the window, it completely lowered, and a strong odor of marijuana was coming from inside the vehicle.

☒ Continued on the attached sheet.

Sworn to before me and signed in my presence.

Date: February 14, 2016

City and state: Las Cruces, N.M.

Complainant's signature

Cheerum Casey, Border Patrol Agent

Printed name and title

Judge's signature

GREGORY B. WORMUTH  
U.S. MAGISTRATE JUDGE

Printed name and title

CONTINUATION OF CRIMINAL COMPLAINT

STATE AND DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA

V.

Stephen James DAVIS

**Continuation of Statement of Facts:**

At this point the defendant raised the window, leaving only a gap in order to speak. Agent Martinez questioned the defendant to state his citizenship and he stated that he was a citizen of the United States and handed Agent Martinez his California driver's license. Agent Martinez questioned the defendant where he was coming from and the defendant stated that he was coming from the state of California and was possibly going to North Carolina. Agent Martinez questioned the defendant as to why he was unsure about his travel to North Carolina and he then stated that he was not sure where he would be heading from here but would end up in North Carolina at the end of his trip. Agent Martinez questioned the defendant if he had brought any luggage for his trip and the defendant pointed to a tote in the rear seat of the vehicle that had a shirt and stated that the tote contained his clothes for the trip. Due to the strong odor of marijuana that had emitted from the vehicle, Agent Martinez asked if he had smoked anything before arriving at the checkpoint and he stated that he did not smoke. Agent Martinez asked for consent to a systematic canine inspection of the vehicle to which the defendant consented. Agent Martinez instructed the defendant to pull over into the Secondary Inspection area of the Checkpoint. As the defendant drove his vehicle to the Secondary Inspection area, Border Patrol Agents approached the vehicle and the defendant accelerated at a high rate of speed and fled the checkpoint.

Agents immediately began to pursue the vehicle and continued traveling northbound on I-25, with speeds exceeding 85 miles per hour throughout the pursuit. At approximately 0336 hours, Officers from the Truth or Consequences Police Department joined the pursuit near mile marker 62. At approximately 0345 hours, the defendant called the Las Cruces Border Patrol Station twice and screamed obscenities through the phone. At approximately 0400 hours, Officers from the Socorro, New Mexico Police Department were notified and were on standby with spike strips at mile marker 147. During the pursuit, the defendant contacted 911 using his personal cell phone. The defendant notified the dispatcher that he did not recognize U.S. Border Patrol as true law enforcement and would not pull over until a real law enforcement officer showed up.

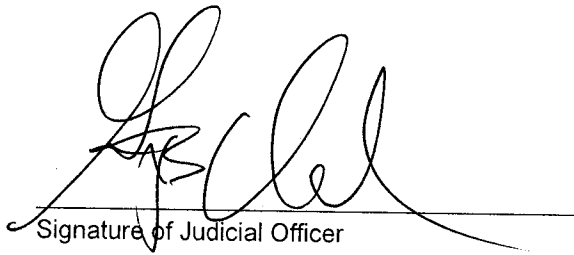
At approximately 0400 hours, officers from the Socorro Police Department took lead of the pursuit and the defendant pulled over at approximately mile marker 139 in Socorro, New Mexico. The defendant was taken into custody and transported to Las Cruces, New Mexico Border Patrol Station for further processing. AUSA Alfred Perez accepted prosecution for 18 U.S.C. 758, High Speed Flight From an Immigration Checkpoint.

Border Patrol Agent Gary Adams stated he was assigned to the Interstate 25 Border Patrol checkpoint at mile marker 25 when Agent Martinez called him out to the secondary area for a canine inspection. When Agent Adams arrived at the secondary inspection area the defendant had already drove off. Agent Adams drove off in a marked Border Patrol vehicle at a high rate of speed for approximately 15 miles before he was able to get a visual of the defendant's vehicle. Agent Adams then pursued the defendant's vehicle with emergency lights on for approximately 100 miles. During the pursuit Agent Adams speed fluctuated from a low of 75 miles per hour to a high of 100 miles per hour.

The defendant appeared to be in control of his vehicle and used his turn signal when passing other vehicles on the road, however, the defendant would show erratic behavior in his driving, such as suddenly pulling onto the shoulder, then pulling back onto the interstate at a high rate of speed.

The defendant pulled over when Socorro Police Department took the lead on the pursuit. A systematic canine search of the vehicle was conducted by Border Patrol Agent Lewis and his government assigned canine. The search resulted in a positive alert due to green leafy residue scattered throughout the vehicle.

Continuation of Statutory Language:



Signature of Judicial Officer

**GREGORY B. WORMUTH**  
**U.S. MAGISTRATE JUDGE**



Signature of Complainant

Casey, Cheatum  
Filing Agent

AO 91 (Rev. 01/09) Criminal Complaint

## UNITED STATES DISTRICT COURT

for the  
District of New MexicoUnited States of America  
v.

Stephen James DAVIS

Defendant(s)

Case No:

16MJ531

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief. On or about the date of February 13, 2016 in the county of Dona Ana in the State and District of New Mexico, the defendant violated 18 U.S.C. §758(High Speed Flight from Immigration Checkpoint), an offense described as follows:

flee or evade a checkpoint operated by a Federal law enforcement agency, in a motor vehicle and fled Federal, State, or local law enforcement agents in excess of the legal speed limit

This criminal complaint is based on these facts:

On February 13, 2016, Border Patrol Agent Jose Martinez, was assigned to the United States Border Patrol Checkpoint located on Interstate 25, mile marker 26, north of Las Cruces, New Mexico. At approximately 3:10 AM, Agent Martinez encountered the defendant driving a Grey in color 2013 Hyundai Elantra hatchback. Agent Martinez identified himself as a United States Border Patrol Agent and questioned the defendant as to his citizenship. The defendant mumbled through a small crack in the lowered window. Agent Martinez asked the defendant to lower the window more since he was unable to hear him. As the defendant tried to open the window, it completely lowered, and a strong odor of marijuana was coming from inside the vehicle.

☒ Continued on the attached sheet.

Complainant's signature

Cheatum Casey, Border Patrol Agent

Printed name and title

Sworn to before me and signed in my presence.

Date: February 14, 2016City and state: Las Cruces, N.M.STEPHAN M. VIDMAR  
U.S. MAGISTRATE JUDGE

Judge's signature

Printed name and title

## CONTINUATION OF CRIMINAL COMPLAINT

## STATE AND DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA

V.

Stephen James DAVIS

**Continuation of Statement of Facts:**

At this point the defendant raised the window, leaving only a gap in order to speak. Agent Martinez questioned the defendant to state his citizenship and he stated that he was a citizen of the United States and handed Agent Martinez his California driver's license. Agent Martinez questioned the defendant where he was coming from and the defendant stated that he was coming from the state of California and was possibly going to North Carolina. Agent Martinez questioned the defendant as to why he was unsure about his travel to North Carolina and he then stated that he was not sure where he would be heading from here but would end up in North Carolina at the end of his trip. Agent Martinez questioned the defendant if he had brought any luggage for his trip and the defendant pointed to a tote in the rear seat of the vehicle that had a shirt and stated that the tote contained his clothes for the trip. Due to the strong odor of marijuana that had emitted from the vehicle, Agent Martinez asked if he had smoked anything before arriving at the checkpoint and he stated that he did not smoke. Agent Martinez asked for consent to a systematic canine inspection of the vehicle to which the defendant consented. Agent Martinez instructed the defendant to pull over into the Secondary Inspection area of the Checkpoint. As the defendant drove his vehicle to the Secondary Inspection area, Border Patrol Agents approached the vehicle and the defendant accelerated at a high rate of speed and fled the checkpoint.

Agents immediately began to pursue the vehicle and continued traveling northbound on I-25, with speeds exceeding 85 miles per hour throughout the pursuit. At approximately 0336 hours, Officers from the Truth or Consequences Police Department joined the pursuit near mile marker 62. At approximately 0345 hours, the defendant called the Las Cruces Border Patrol Station twice and screamed obscenities through the phone. At approximately 0400 hours, Officers from the Socorro, New Mexico Police Department were notified and were on standby with spike strips at mile marker 147. During the pursuit, the defendant contacted 911 using his personal cell phone. The defendant notified the dispatcher that he did not recognize U.S. Border Patrol as true law enforcement and would not pull over until a real law enforcement officer showed up.

At approximately 0400 hours, officers from the Socorro Police Department took lead of the pursuit and the defendant pulled over at approximately mile marker 139 in Socorro, New Mexico. The defendant was taken into custody and transported to Las Cruces, New Mexico Border Patrol Station for further processing. AUSA Alfred Perez accepted prosecution for 18 U.S.C. 758, High Speed Flight From an Immigration Checkpoint.

Border Patrol Agent Gary Adams stated he was assigned to the Interstate 25 Border Patrol checkpoint at mile marker 25 when Agent Martinez called him out to the secondary area for a canine inspection. When Agent Adams arrived at the secondary inspection area the defendant had already drove off. Agent Adams drove off in a marked Border Patrol vehicle at a high rate of speed for approximately 15 miles before he was able to get a visual of the defendant's vehicle. Agent Adams then pursued the defendant's vehicle with emergency lights on for approximately 100 miles. During the pursuit Agent Adams speed fluctuated from a low of 75 miles per hour to a high of 100 miles per hour.

The defendant appeared to be in control of his vehicle and used his turn signal when passing other vehicles on the road, however, the defendant would show erratic behavior in his driving, such as suddenly pulling onto the shoulder, then pulling back onto the interstate at a high rate of speed.

The defendant pulled over when Socorro Police Department took the lead on the pursuit. A systematic canine search of the vehicle was conducted by Border Patrol Agent Lewis and his government assigned canine. The search resulted in a positive alert due to green leafy residue scattered throughout the vehicle.

**Continuation of Statutory Language:**

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Signature of Judicial Officer

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Signature of Complainant

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Casey, Cheatum

Filing Agent